

Appl. No. : **10/796,692**
Filed : **March 9, 2004**

REMARKS

Claims 1, 2, 4-36, 38 and 39 are now pending in the present application, Claims 1, 15-18, 20, and 33 having been amended, Claim 37 having been canceled without prejudice or disclaimer, and new Claims 38 and 39 having been added. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or ~~[[double brackets]]~~ and additions being underlined.

In response to the Office Action mailed May 9, 2007, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Claim Objections

Firstly, Applicants gratefully acknowledge the Examiner's assistance in renumbering of certain claims. In particular, as indicated in the Office Action, Claim No. "30" was inadvertently used twice. Thus, the Examiner has renumbered Claims 31-36 as Claims 32-37.

Applicants assumed that the second Claim 30 was also intended to be renumbered as Claim 31. Thus, in the attached claim set, original Claims 31-36 have been renumbered as Claims 32-37 and the second instance of Claim 30 has been renumbered as Claim 31. If the Examiner needs any further changes or housekeeping amendments to rectify the claim numbering, Applicants respectfully request that the Examiner contact Applicant's counsel, Michael A. Guiliana, via telephone number (949) 721-6384 to resolve such any such issue promptly.

Additionally, Claims 15-17 and 33 stand objected to based on the inclusion of certain informalities. In response, Applicants have amended each of these claims as requested by the Examiner. Thus, the present objection is moot.

However, Applicants wish to point out that all the changes were made merely to make these claims more easily readable and not to narrow or affect the scope of these claims. Thus, Applicants submit that with respect to the amended phrases, all of the recitations of original Claims 15-17 and 33 are also equivalents of the present recitations of Claims 15-17 and 33.

Claims 1, 2, 4-18, and 37 Fully Comply With 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 4-18, and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicants have amended Claims 1 and 18 solely to make these claims more easily readable and not to narrow or affect the scope of these claims. Thus,

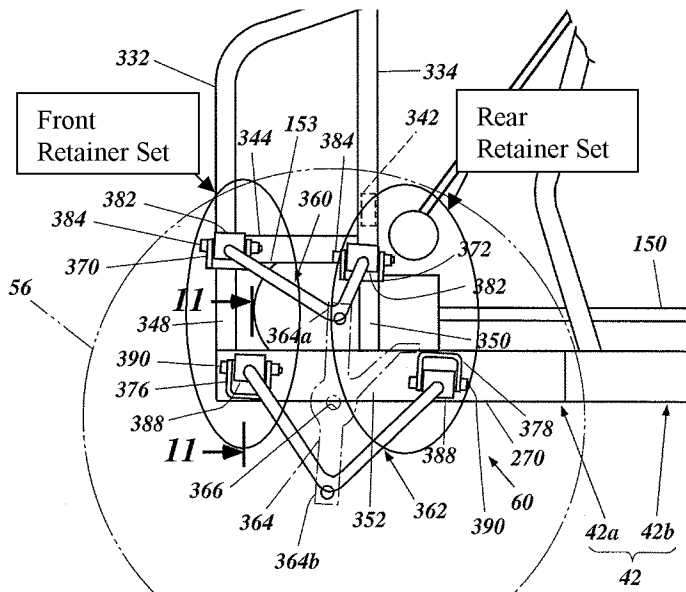
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Applicant submits that all of the amendments to Claims 1 and 18 noted below do not present an abandonment of any range of equivalents. Rather, Applicants submit that, with regard to the amendments noted below, all the equivalents of the original recitations of Claims 2, 4-18, and 37 are also equivalents of the present recitations of Claims 1, 2, and 4-18 (Claim 37 having been cancelled and incorporated into Claim 1).

With regard to Paragraph No. 6 on page 3 of the outstanding Office Action, Applicants assume that the Examiner was referring to lines 11 and 12 of *Claim 1*. In this rejection, the Office Action indicates that the recitations in lines 11 and 12 of Claim 1 are indefinite with regard to “what part of the suspension arm is being retained.”

In response, Applicants have amended Claim 1 to recite “the front set of retainers comprising a first upper retainer and a second lower retainer, the rear set of retainers comprising a third upper retainer and a fourth lower retainer, the first and third retainers retaining a first upper suspension arm so as to permit the first upper suspension arm to swing relative to the frame, the second and fourth retainers retaining a second lower suspension arm so as to permit the lower second suspension arm to swing relative to the frame, the third upper retainer being spaced from the fourth lower retainer at a spacing in the fore-to-aft direction, the spacing being larger than any fore-to-aft spacing between the first upper and second lower retainers.

Applicants submit that the non-limiting embodiment of Figure 10 clearly illustrates an embodiment corresponding to these recitations. For example, as illustrated in the reproduced



portion of Figure 10 set forth adjacent hereto, the upper and lower suspension arms 360, 362 are each supported by two retainers, i.e., brackets 370, 372. Additionally, the lower suspension arm 362 is supported by brackets 376, 378.

In Claim 1, the retainers 370, 376 are referred to as a “front set of retainers” and the retainers 372, 378 are referred to as the “rear set of retainers.” This is merely because

other recitations of Claim 1 refer to the “fore-to-aft” spacing between the retainers of the front and rear sets. Applicants thus submit that Claim 1 fully satisfies the requirements of 35 U.S.C. § 112.

With regard to Claim 18, Applicants note that Claim 18 now recites “the upper suspension arm having first and second ends connected to the frame” and “the second lower suspension arm having third and fourth ends connected to the frame.” Additionally, Claim 18 now recites “the second vertical member being disposed on a generally opposite side of said first suspension arm from said first end.”

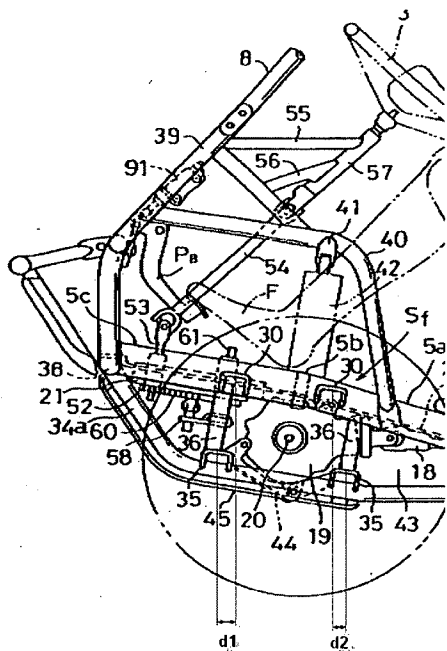
These recitations are illustrated by the nonlimiting embodiment of Figure 10, a portion of which is reproduced above. As shown above, the first and second vertical members are identified by the reference numerals 348, 350. Additionally, as shown in Figure 10, the vertical member 348 supports both brackets 370, 376. Additionally, the vertical members 348, 350 are on opposite ends of the suspension arm 360. Thus, Applicants submit that Claim 18 fully satisfies the requirements of 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 4-22, 33, 36, and 37 Are Not Anticipated By Furuhashi et al.

Claims 1, 2, 4-22, 33, 36, and 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,327,989 issued to Furuhashi et al. Applicants respectfully

traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claims 1, 18, and 33. Applicants expressly reserve the right to further prosecute the original version of Claims 1, 2, 4-22, 33, 36, and 37 through continuation practice.

As noted in the outstanding Office Action, the front and rear sets of retainers of the Furuhashi reference appear to be spaced as indicated in the marked-up version of a portion of Figure 5 (reproduced below).



As indicated in pages 4 and 5 of the outstanding Office Action, the fore-to-aft spacing of the rear set of retainers is spaced at a distance $d2$ and the front set of retainers are spaced in a fore-to-aft direction, a distance $d1$. Additionally, the Office Action indicates that $d1$ is greater than $d2$. In other words, the fore-to-aft spacing of the rear set of retainers is smaller than the fore-to-aft spacing of the front set of retainers.

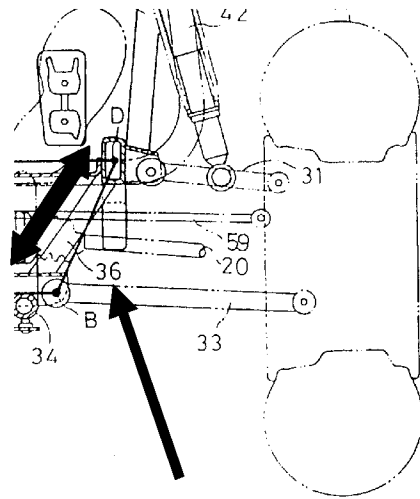
Thus, Furuhashi fails to disclose a vehicle having front and rear sets of retainers in which the fore-to-aft spacing of the rear retainers is larger than the fore-to-aft spacing of the front retainers.

In contrast, Claim 1 now recites, among other recitations, "the vehicle further comprising front and rear sets of retainers being coupled to the frame members, the front set of retainers comprising a first upper retainer and a second lower retainer, the rear set of retainers comprising a third upper retainer and a fourth lower retainer, the first and third retainers retaining a first upper suspension arm so as to permit the first upper suspension arm to swing relative to the frame, the second and fourth retainers retaining a second lower suspension arm so as to permit the second lower suspension arm to swing relative to the frame, the third upper retainer being spaced from the fourth lower retainer at a spacing in the fore-to-aft direction, the spacing being larger than any fore-to-aft spacing between the first upper and second lower retainers."

Similarly, Claim 33 now recites, among other recitations, “the front retainers being spaced apart from each other in a fore to aft direction by a distance which is smaller than a distance by which the rear retainers are spaced apart from each other in a fore to aft direction.”

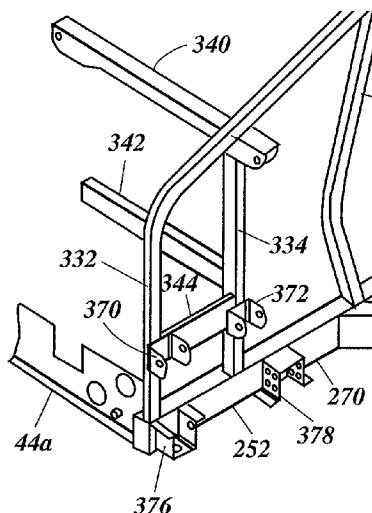
As such, Claims 1 and 33 clearly recite the opposite of what is disclosed from Furuhashi et al. Thus, Claim 1 clearly defines over the Furuhashi et al. reference.

Additionally, Applicants submit that Claims 2 and 4-17 also define over the Furuhashi et al. reference, not only because they depend from Claim 1, but also on their own merit.



With regard to Claim 18, Applicants wish to point out the Furuhashi et al. teach joint pipes 36 extending between upper and lower retainers of the suspension system disclosed therein. However, Applicants wish to note that, as shown in Figure 7, an annotated portion of which is reproduced adjacent hereto, the support tubes 36 are not vertical or generally vertical. Rather, the joint pipes 36 are inclined at a severe angle.

In contrast, Claim 18 now recites, among other recitations, “the first suspension arm being coupled to the vertical members in a manner permitting the suspension arm to swing relative to the frame and at least a third end of the second suspension member being coupled to at least the first vertical member in a manner permitting the suspension arm to swing relative to the frame.”



The non-limiting embodiment of Figure 9 of the present Application, a portion of which is reproduced adjacent hereto, clearly illustrates the generally vertical orientation of frame members 332 and 334.

As such, Applicants submit that Claim 18 clearly and nonobviously defines over the Furuhashi et al. reference. Additionally, Applicants submit that Claims 19-22 also define over the Furuhashi reference, not only because they depend from Claim 18, but also on their own merit.

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Furuhashi et al. Does Not Make Claim 35 Obvious

Claim 35 stands rejected under 35 U.S.C. § 103(a) as being obvious over Furuhashi et al. Applicants respectfully traverse the present rejection.

However, as noted above, Applicants submit that Claim 18 clearly and nonobviously defines over the Furuhashi et al. reference. Thus, Applicants submit that Claim 35 also defines over the Furuhashi et al. reference, not only because it depends from Claim 18, but also on its own merits.

Claims 23-32 And 34 Are Allowed

Applicants gratefully acknowledge the Examiner's indication that Claim 23-32 and 34 are allowed.

New Claims 38 And 39 Are In Condition For Examination On Their Merits

By way of the present amendment, Applicants have added new Claims 38 and 39 which are fully supported by the original specification. Thus, no new matter has been introduced.

With regard to Claim 38, Applicants wish to note that Figure 10 clearly shows that the fore-to-aft spacing between the first upper and second lower retainers is greater than 0.

With regard to new Claim 39, Applicants respectfully direct the Examiner again to Figure 10 and the accompanying text of the specification which clearly supports new Claim 39. Additionally, Applicants wish to note that Claim 39 clearly and nonobviously defines over the Furuhashi et al. reference.

For example, Claim 39 recites, among other recitations, "wherein the first forwardmost retainer is disposed forwardly relative to the second forwardmost retainer and the first rearwardmost retainer is disposed forwardly relative to the second rearwardmost retainer." In contrast, the Furuhashi reference teaches that both of the upper retainers are disposed between the lower retainers, in the fore-to-aft direction, as illustrated in the Examiner's diagram on page 8 of the outstanding Office Action. Thus, Applicants submit that Claim 39 clearly and nonobviously defines over the Furuhashi et al. reference.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be

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imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2007 By: /Michael Guiliana/
Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404